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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/923,369	09/03/1997	SHIGEAKI KOIKE	SONY-C5757	2545

29175 7590 09/23/2002

BELL, BOYD & LLOYD, LLC  
P. O. BOX 1135  
CHICAGO, IL 60690-1135

EXAMINER

BOCCIO, VINCENT F

ART UNIT	PAPER NUMBER
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2615

DATE MAILED: 09/23/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.  
**08/923,369**

Applicant(s)  
**Koike et al.**

Examiner  
**Boccio, Vincent**

Art Unit  
**2615**



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Aug 28, 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 10-13, 15, 16, 21, 22, 24, 25, and 27-30 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 10-13, 15, 16, 21, 22, 24, 25, and 27-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some\* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☒ Certified copies of the priority documents have been received in Application No. 08/563,188.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

The Group and/or Art Unit location of your application in the PTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Group Art Unit 2615.

**Claim Objections**

1. Claim 29 is objected to because of the following informalities:

{A} Claim 29, recites, "said data transfer means", which is dependent on claim 10, which recites, "data transfer circuit", please amend to, either "means or circuit", to add consistency of claim language limitations and additional clarity to the claims.

Appropriate correction is required.

**Claim Rejections - 35 USC § 103**

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103<sup>(a)</sup> and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 10-13, 15-16 and 21-22, 24-25 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lang(US 5,164,839) in view of Takada et al.(US 5,715,104).

Regarding claims 10-12, 15-16, 21 and 24, Lang in Fig. 2, discloses and meets the limitations associated with in a video

data recording and reproducing system and method for

- o editing a source of video data(see col. 2, lines 29-38), said system comprising:

- o a video tape recording means(see col. 3, lines 51-53, "...AVRU 11 may be a VCR...") for recording onto a tape medium with a first data rate("real time input rate, from one of the sources");

- o a disc recording means(see col. 6, lines 28-42), editing means and control means for controlling the Disc and VTR, functions such as recording from an external source, internal transfers, reproducing to various external unit mediums etc., editing internally and/or in combination with an external source, thereby controlling reproduction operation such as editing portions designated by an editing operation by the user thru user interface(see Fig. 1, control panels, switches or user interface controls etc.), reproduction/transmission, compression and format conversion {such as to RGB etc.} of received video and editing and handling of audio(see col. 1-2 and col. 5, line 40 to col. 8, line 59).

Note: "VCR-ET" is shown in Fig. 1, comprising elements, such as, shown in Figs. 1 A and 2-4 and is the editing system or unit itself.

It is clear in the digital environment, Lang can provide high speed input/output of information to and from VCR-ET-10 as

seen in Fig. 1, and discloses the utilization of a conventional VCR or video tape recording means, being an analog VCR.

Lang discloses an AUX Digital Input-17 in Fig. 2, to the high speed data bus and further discloses the ability to transfer information to and from the high speed bus at high transfer rates.

Lang, fails to clearly and specifically describe wherein the video tape recording apparatus or VCR is digital and is capable of transferring recorded information at high speed or higher than a real time rate to the disc recording means and vise versa.

It is clear that, due to the limitation of the A/D conversion process, for converting analog video signals to digital in the era of Lang(1988), that commercially available high speed A/D converters can be provided, but the disclosure only associates 30 frames/sec transfers from the analog VTR-AVRU-11 to the disc recording means-13(see col. 4, line 64 to col. 5, line 15).

Lang further discloses that the recording and reproducing means, AVRU-11, can be a digital recording and reproducing unit(see col. 3, line 61 to col. 4, line 43), thereby providing a strong suggestion to utilize a digital device, such as a digital VCR, wherein the transferring of video and/or audio in digital form to and from the digital AVRU-11, and suggests the desire for high speed transferring of information inside to and from the

system, as disclosed.

Takada et al., teaches in Fig. 3, an apparatus performing the process of high speed dubbing, utilizing a D-VTR(see Abstract and col. 3, lines 1-4), wherein the digital signals are in digital form(see Fig. 3, and col. 15, lines 1-35, digital signal dubbing input and output) and further discloses controlling by providing synchronization signals, from one unit, being a master reproducing unit, to a recording unit being a slave recorder, for performing dubbing at N fold speed reproduction and recording or high speed dubbing(see col. 16, lines 20-59).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Lang by replacing the "AVRU-11 being a conventional analog VCR associated with media-23", with, "the digital tape recording apparatus and associated tape medium, having advantages of providing higher transfer rates or high speed dubbing N fold speeds as taught by Takada et al. and suggested by Lang, thereby decreasing the amount of time required to transfer video and/or audio from tape recording and reproducing means or the AVRU-11 replaced with the high speed VTR, to the disc recording and reproducing means or memory unit-13 and vise versa, from the disc to the tape in any N-fold speed configuration to and from the two recording and reproducing means etc.(Tape and Disc of Lang).

Regarding claims 13, 22 and 25 and the combination applied meets the limitations of the first operation mode, for recording and reproducing in the first data rate and second data rate(N-fold speed and high speed transfers), between the disc and VTR and vice versa, wherein the editing means or controller(see CPU, controller and ROM unit-14 in Fig. 2).

Further regarding claims 10-11 and 16 etc....., the combination of Lang and Takada et al. further meet the limitation of:

- o a digital data transfer circuit(Fig. 4, "connection between devices and interfaces, more detail provided in Fig. 2, transfer circuit is met by a plurality of connects and elements, "12, 14, 34, 36, 37, 47, 48", associated with various interface connections between devices to receive and transfer data to and from either from outside or internally) for transferring digital video data between each of the DVTR and DiskRMeans and a digital input/output device("TRans/Rec. 22"), at first and second data rated for transferring the reproduced video data from the tape recording means(Takada et al.), and said edited video data reproduced from the disc recording means and further in Fig. 2, interfaces connected to the system, wherein input/output devices are provided to receive and transfer data, to and from the system in digital form clearly with higher speeds than real time(Fiber Optic Port 18 col. 8, lines 5-26), Lang clearly can receive

higher speeds than real time, transmit higher speeds than real time, and can perform this internally as well.

Regarding claim 27, the combination further discloses, a video interface circuit for receiving said source video data(see Fig. 2); and a digital interface circuit for outputting edited video data(see Fig. 2, from Bus-34 to Audio/Video Tran/Rec. unit-22).

4. Claims 28-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Lang(US 5,164,839) and Takada et al.(US 5,715,104) as applied to the claims above and further in view of Radice(US 5,475,498).

Regarding claims 28-30, the combination of Land and Takada et al. fail to disclose the utilization of buffering of video and/or audio data to and from the VTR and Disc recording and reproducing units of the editing system or an input and output buffers, coupled to the VTR and Disc and associated buffer control means.

Radice, teaches the utilization of a video recorder interface unit(see Fig. 1, "record interface-12") for controlling and performing a buffering, or a memory unit and controller for performing buffering(see Fig. 2, "memory-36", and associated control circuitry, "control circuitry-50" and associated elements 52, 44 and 38) for inputted as well as outputted data to and from a digital video recorder(VTR etc.) for facilitating desired high



speed transfers to and from(see Fig. 1 and 2) having the advantage of allowing a digital video recorder to function as a universal data recorder(see col. 2, lines 31-44), wherein the digital video recording unit is controlled based on capacities of the input output buffering means(see col. 5, line 33 to col. 6, line 67).

Therefore, it would have been obvious to one skilled in the art at the time of the invention to modify the combination of Lang and Takada et al. by incorporating buffering for the VTR means and Disc means for inputting and outputting video and/or audio data to and from the VTR and disc recording/reproducing means(being digital recorders) as taught by Radice having advantages of enabling a digital video recorder to function as a universal data recorder by utilization of the interface apparatus and further controlling the buffer fullness by controlling the speed of reproduction of the reproduction unit so that the buffer never runs out or over-fills, and to output data at the specified rate such as 1 X, 2 X (see Radice, col. 3, lines 12-37).

#### ***Response to Arguments***

5. Applicant's arguments filed 8/28/02 have been fully considered but they are not persuasive.

In re pages 6-7, applicant states, "Applicant's note that the art of record does not teach or suggest at least a digital transfer circuit for transferring digital video data between each of a digital VTR means. A disc means and a digital input/output device at a first and second data rates as now called for in claims 10,

11 and 16.

In response the examiner fails to agree. Clearly, based on passages of Lang taken with Takada, the combination provides for high speed transfers between the VTR and Disk, wherein transfers can be accomplished at higher rates than the first rate, to and from and internally, the examiner cites col. 8, lines 5-26,

"Thus, it is not necessary to access ... for long periods of time in order to transmit a long video program", therefore higher than real time or longer than the play time, as clearly disclosed, wherein the digital input output device, as interpreted,

can either be met by the interface between, which is by-directional or on the other end,

and further wherein the art as is obvious if not anticipated would suggest to one skilled in the art that devices at the receiving end of the interfaces provided, can provide as well as receive data to and from the editing system, as is obvious to those skilled in the art, no more disclosure is deemed necessary to one skilled in the art.

**Contact Fax Information**

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to:**

(703) 872-9314, (for formal communication intended for entry)

**or:**

(703) 308-5359, (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

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Art Unit: 2615

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Contact Information

6. Any inquiry concerning this communication or earlier communications should be directed to the examiner of record, Vincent F. Boccio (703) 306-3022.

If any attempts to reach the examiner by telephone are unsuccessful, the examiners supervisor, Andy Christensen (703) 308-9644.

Any inquiry of a general nature or relating to the status of this application should be directed to Customer Service (703) 306-0377.

Primary Examiner, Boccio, Vin  
September 22, 2002

  
VINCENT BOCCIO  
PRIMARY EXAMINER